

2007 DRAFTING REQUEST

Bill

Received: **12/04/2007**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Don Dyke**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - medical assistance**

Extra Copies:

Submit via email: **YES**

Requester's email: **don.dyke@legis.wisconsin.gov**

Carbon copy (CC:) to: **robin.ryan@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Deposit all revenue from nursing home bed assessment in Medical Assistance trust fund

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 12/05/2007	csicilia 12/05/2007		_____			
/P1			jfrantze 12/05/2007	_____	sbasford 12/05/2007		
/1	dkennedy 12/18/2007	jdyer 12/18/2007	nmatzke 12/18/2007	_____	cduerst 12/18/2007	sbasford 12/19/2007	

FE Sent For:

<END>

↳ Not
Needed

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/1	dkennedy 12/18/2007	jdye 12/18/2007	nnatzke 12/18/2007	_____	cduerst 12/18/2007		

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/?	dkennedy 12/05/2007	csicilia 12/05/2007					
/P1		12/18 jld	jfrantze 12/05/2007		sbasford 12/05/2007		
			nwn 12/18	nwn/jf 12/18			

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/?	dkennedy	/Pl q's 12/5	07 12/5	12/5	12/5		

FE Sent For:

<END>

Kennedy, Debora

From: Katie Plona [PlonaKP@dhfs.state.wi.us]
Sent: Monday, December 03, 2007 5:06 PM
To: Don Dyke
Cc: Kennedy, Debora
Subject: Request for DHFS remedial legislation

Don,

Debora Kennedy called me to explain that two provisions referring to \$13.8 million in nursing home assessment funds that had been directed to the general fund prior to the enactment of the 2007-09 biennial budget were inadvertently left in the budget bill. I would like to make a request to have those provisions removed from the statutes to conform to the intent of the legislation and to clarify any confusion in statute.

Debora explained that the two references to the \$13.8 million to the general fund that were accidentally left in statute are in statutes 50.14(4) and 25.77(3).

Please let me know if this email will suffice as a formal request to the Legislative Council for remedial legislation or if you need additional information or something else from me to make the request.

Thank you, Katie

Katie Plona
Legislative Liaison
Department of Health and Family Services
(608) 266-3262
plonakp@dhfs.state.wi.us

DOA:.....Milioto, BB0025 - ICF-MR bed assessment

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

*Should have
amended s.
25.77(3)*

1 **AN ACT ...; relating to: the budget.**

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, intermediate care facilities for the mentally retarded (ICF-MRs) must pay the state an assessment on each licensed bed. The assessment is currently \$445 per month per bed. Federal law provides for a reduction in federal funding for MA if the state collects an amount in ICF-MR bed assessments that exceeds a specified portion of the aggregate revenues of all ICF-MRs in the state.

This bill directs DHFS to determine the amount of the ICF-MR bed assessment for each state fiscal year. DHFS must set the monthly per bed assessment amount at 5.5 percent of projected aggregate annual revenues for ICF-MRs in the state divided by the number of licensed ICF-MR beds and by 12 months. The bill authorizes DHFS to reduce the assessment amount during a state fiscal year to avoid collecting an amount during the year that exceeds 5.5 percent of ICF-MR aggregate revenues.

Under current law, nursing homes must pay the state an assessment that may not exceed \$75 on each licensed bed. This bill raises that maximum amount for the nursing home bed assessment to \$127.

Current law provides a procedure under which a nursing home may request, and DHFS may approve, a temporary reduction in the number of beds licensed for the nursing home, if DHFS establishes a minimum per patient day occupancy

standard for nursing homes and the nursing home's occupancy rate falls below that standard. If the nursing home does not resume licensure of the affected beds, DHFS must incrementally revoke licensure for the affected beds. This bill repeals this procedure for reducing a nursing home's number of licensed beds when the nursing home's occupancy rate falls below an occupancy standard established by DHFS.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.45 (6m) (ap) of the statutes is repealed.

2 **SECTION 2.** 50.14 (2) (intro.) of the statutes is amended to read:

3 50.14 (2) (intro.) For the privilege of doing business in this state, there is
4 imposed on all licensed beds of a facility an assessment ~~that may not exceed \$445 per~~
5 ~~calendar month per licensed bed of an intermediate care facility for the mentally~~
6 ~~retarded and an assessment that may not exceed \$75 in the following amount per~~
7 calendar month per licensed bed of ~~a nursing home.~~ the facility:

8 **(2g)** The assessment moneys collected under this section shall be deposited in
9 the general fund, except amounts in excess of \$13,800,000 shall be deposited in the
10 Medical Assistance trust fund. ~~In determining the number of licensed beds, all of the~~
11 ~~following apply:~~

12 **SECTION 3.** 50.14 (2) (a) of the statutes is renumbered 50.14 (2r) and amended
13 to read:

14 50.14 (2r) ~~If the amount~~ For the purpose of determining the number of beds
15 subject to assessment under sub. (2), if a facility's number of the beds is other than
16 a whole number, the fractional part of the amount that number shall be disregarded
17 unless it equals 50% or more of a whole number, in which case the amount number
18 of beds shall be increased to the next whole number.

1 **SECTION 4.** 50.14 (2) (am) of the statutes is created to read:

2 50.14 (2) (am) For nursing homes, an amount not to exceed \$127.

3 **SECTION 5.** 50.14 (2) (b) of the statutes is repealed.

4 **SECTION 6.** 50.14 (2) (bm) of the statutes is created to read:

5 50.14 (2) (bm) For intermediate care facilities for the mentally retarded, an
6 amount calculated by multiplying the projected annual gross revenues of all
7 intermediate care facilities for the mentally retarded in this state by 0.055, dividing
8 the product by the number of licensed beds of intermediate care facilities in this state
9 and dividing the quotient by 12.

10 **SECTION 7.** 50.14 (2m) of the statutes is created to read:

11 50.14 (2m) Prior to each state fiscal year, the department shall calculate the
12 amount of the assessment under sub. (2) (bm) that shall apply during the fiscal year.
13 The department may reduce the assessment amount during a state fiscal year to
14 avoid collecting for the fiscal year an amount in bed assessment receipts under sub.
15 (2) (bm) that exceeds 5.5 percent of the aggregate gross revenues for intermediate
16 care facilities for the mentally retarded for the fiscal year.

17 **SECTION 8.** 150.31 (5t) of the statutes is repealed.

18 **SECTION 9121. Nonstatutory provisions; Health and Family Services.**

19 (1) BED ASSESSMENT FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY
20 RETARDED. Notwithstanding section 50.14 (2m) of the statutes, as created by this act,
21 the department of health and family services is not required to calculate the amount
22 of the bed assessment for intermediate care facilities for the mentally retarded under
23 section 50.14 (2) (bm) of the statutes, as created by this act, for state fiscal year

2007–08 until October 1, 2007, or the first day of the 3rd month beginning after the
effective date of this subsection, whichever is later.

3 (END)

LFB:.....Hotynski - Nursing home bed assessment; deposit revenue to MA trust fund

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

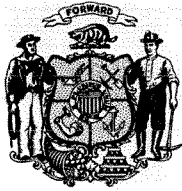
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

*Should have
amended
S. 25.77(3) ?
SD. 14(4)*

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 193, line 11: decrease the dollar amount for fiscal year 2007-08 by
- 3 \$13,800,000 and decrease the dollar amount for fiscal year 2008-09 by \$13,800,000
- 4 for the purposes for which the appropriation is made.
- 5 **2.** Page 196, line 5: increase the dollar amount for fiscal year 2007-08 by
- 6 \$13,800,000 and increase the dollar amount for fiscal year 2008-09 by \$13,800,000
- 7 for the purposes for which the appropriation is made.

4 (END)



WEDNESDAY p.m.
State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3581/P1

DAK:.....
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV
x rfw

licensed beds of

Gen Cat

and intermediate care
facilities for the
mentally retarded

- 1 AN ACT ...; **relating to:** depositing all revenue from the assessment on nursing
- 2 home ^sbeds into the Medical Assistance trust fund (suggested as remedial
- 3 legislation by the Department of Health and Family Services).

Analysis by the Legislative Reference Bureau

Under current law prior to enactment of 2007 Wisconsin Act 20 (the biennial budget act), all revenue from assessments imposed on licensed beds of a nursing home or an intermediate care facility for the mentally retarded was deposited in the general fund, except that amounts in excess of \$13,800,000 were required to be deposited in the Medical Assistance trust fund. Under the biennial budget act, all revenue from these assessments is required to be deposited in the Medical Assistance trust fund. ✓

This bill technically corrects two ^{provisions} references to assessments imposed on licensed beds of nursing homes or intermediate care facilities for the mentally retarded that refer to deposit of the assessment revenue in both the general fund and the Medical Assistance trust fund, to conform to the change enacted under the biennial budget act. ^{to them}

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

RESTORE
TO PLAIN
TEXT

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Health and Family Services and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 25.77 (3) of the statutes is amended to read:

2 25.77 (3) All moneys received under s. 50.14 (2) from assessments on licensed
3 beds of facilities except \$13,800,000 in each fiscal year. (2g)

4 History: 2001 a. 13, 16; 2003 a. 33, 129, 318; 2005 a. 15, 25.

5 **SECTION 2.** 50.14 (4) of the statutes is amended to read:

6 50.14 (4) Sections 77.59 (1) to (5m), (6) (intro.), (a) and (c) and (7) to (10), 77.60
7 (1) to (7), (9) and (10), 77.61 (9) and (12) to (14) and 77.62, as they apply to the taxes
8 under subch. III of ch. 77, apply to the assessment under this section, except that the
9 amount of any assessment collected under s. 77.59 (7) in excess of \$13,800,000 [45
percent] in a fiscal year shall be deposited in the Medical Assistance trust fund.

NOTE: NOTE: Sub. (4) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed language was inserted by 2005 Wis. Act 49 but rendered without effect by 2005 Wis. Act 25. Corrective legislation is pending. NOTE:

History: 1991 a. 269; 1993 a. 16; 1995 a. 27; 1997 a. 114; 2003 a. 33; 2005 a. 25, 49; s. 13.93 (2) (c).

(END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3581/P1

DAK:cjs:jf

Debara -
P/S. draft
a "slash" 1 " .

Thanks,
Don Dyke

NOT READY FOR INTRODUCTION

- 1 AN ACT *to amend* 25.77 (3) and 50.14 (4) of the statutes; **relating to:** depositing
- 2 all revenue from the assessment on licensed beds of nursing homes and
- 3 intermediate care facilities for the mentally retarded into the Medical
- 4 Assistance trust fund (suggested as remedial legislation by the Department of
- 5 Health and Family Services).

Analysis by the Legislative Reference Bureau

2 Under current law prior to enactment of 2007 Wisconsin Act 20 (the biennial budget act), all revenue from assessments imposed on licensed beds of a nursing home or an intermediate care facility for the mentally retarded was deposited in the general fund, except that amounts in excess of \$13,800,000 were required to be deposited in the Medical Assistance trust fund. Under the biennial budget act, all revenue from these assessments is required to be deposited in the Medical Assistance trust fund.

This bill technically corrects two provisions that refer to deposit of the assessment revenue in both the general fund and the Medical Assistance trust fund, to conform them to the change enacted under the biennial budget act.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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SECTION 1. 25.77 (3) of the statutes is amended to read:

25.77 (3) All moneys received under s. 50.14 (2) (2g) from assessments on licensed beds of facilities ~~except \$13,800,000~~ in each fiscal year.

SECTION 2. 50.14 (4) of the statutes is amended to read:

50.14 (4) Sections 77.59 (1) to (5m), (6) (intro.), (a) and (c) and (7) to (10), 77.60 (1) to (7), (9) and (10), 77.61 (9) and (12) to (14) and 77.62, as they apply to the taxes under subch. III of ch. 77, apply to the assessment under this section, except that the amount of any assessment collected under s. 77.59 (7) ~~in excess of \$13,800,000 45 percent~~ in a fiscal year shall be deposited in the Medical Assistance trust fund.

(END)

NOTE: Clarifies, for consistency with 2007 Wisconsin Act 22 (Biennial Budget Act), that all moneys received from assessments on licensed beds of a nursing home or intermediate care facility for the mentally retarded are deposited in the Medical Assistance Trust Fund, s. 25.77, stats.

NOTE: see the Note to SECTION 1, above.



SOON - In ed 12/18
State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3581/P1

DAK:cjs:jf

+jld

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

✓
the 2005-06 Wisconsin statutes,
↑

Regen

- 1 **AN ACT to amend** 25.77 (3) and 50.14 (4) of the statutes; **relating to:** depositing
2 all revenue from the assessment on licensed beds of nursing homes and
3 intermediate care facilities for the mentally retarded into the Medical
4 Assistance trust fund (suggested as remedial legislation by the Department of
5 Health and Family Services).

Analysis by the Legislative Reference Bureau

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This bill, technically corrects two provisions that refer to deposit of the assessment revenue in both the general fund and the Medical Assistance trust fund, to conform them to the change enacted under the biennial budget act.

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(END)

note:
std

NOTE: (Clarifies, for consistency with 2007 Wisconsin Act 20 Biennial Budget Act), that all moneys received from assessments on licensed beds of a nursing home or intermediate care facility for the mentally retarded are deposited in the Medical Assistance Trust Fund, s. 25.77, stats.

note:
std

NOTE: see the Note to SECTION 1, above.

auto
ref A

Basford, Sarah

From: Dyke, Don
Sent: Wednesday, December 19, 2007 9:50 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-3581/1 Topic: Deposit all revenue from nursing home bed assessment in Medical Assistance trust fund

Please Jacket LRB 07-3581/1 for the SENATE.

Thanks,
Don Dyke